

REMARKS

Claims 43, 44, 50 and 51 have been amended, and claims 58-74 have been newly added. Claims 43-74 are now pending in the application. (It should be noted that the amendments to claims 44, 50, and 51 as well as several of the amendments to claim 43 were not made for patentability reasons but to broaden the scope of those claims.) In addition, the first two paragraphs of the specification have been amended. Applicants respectfully request reexamination and reconsideration of the application in light of the amendments and the following remarks.

Applicants have amended the specification as required by the Examiner. So that there is no question that Applicants fully complied with the requirements of 35 USC § 120, Applicants note that an Application Data Sheet identifying all prior applications to which this application claims priority was filed with this application. See 37 CFR § 1.76(b)(5).

Claims 43-57 have been rejected in view of claims 1-21 of US Patent No. 5,806,181 to Khandros et al. ("Khandros") under the judicially created doctrine of obvious-type double patenting. Applicants traverse this rejection on the grounds that the PTO has not set forth a *prima facie* case of double patenting because (1) no statement of the differences between claims 43-57 of this application and claims 1-21 of Khandros was provided, and (2) no reasons why a person of ordinary skill in the art would find those differences to be obvious were provided. See MPEP § 804, II.B.1 (pg. 800-22). Applicants therefore respectfully request that the rejection be withdrawn.

Applicants acknowledge with appreciation the indication that claims 56 and 57 are allowable over the references of record. As discussed below, Applicants assert that all other pending claims are also allowable.

Claims 43-49 have been rejected as anticipated by each of U.S. Patent No. 5,055,780 to Takagi et al. ("Takagi"), U.S. Patent No. 5,412,329 to Iino et al. ("Iino"), and U.S. Patent No. 4,795,977 to Frost et al. ("Frost"). Applicants respectfully traverse these rejections.

Independent claim 43 includes "an interposer disposed between said probe card and said probe substrate" that allows "relative movement between said probe card and said probe substrate while maintaining electrical connections between ones of said electrical contacts [of the probe card] and ones of said probe elements [of the probe substrate]." None of Takagi, Iino, or

Frost teaches or suggests such an interposer. Therefore, claim 43 (and its dependent claims) are neither anticipated by nor obvious in view of Takagi, Iino, or Frost.

Moreover, it should be apparent that there are advantages to the interposer of claim 43. For example, the interposer allows the orientation of the probe substrate to be altered with respect to the probe card while maintaining electrical connections between the probe substrate and the probe card. Therefore, the interposer of claim 43 is not a mere obvious variation of the cited references but is a patentable distinction.

Claims 50-55 have been rejected as anticipated by Takagi. Applicants respectfully traverse this rejection.

Independent claim 50 includes the step of "aligning tips of said probe elements." No mention is made in Takagi of aligning what Takagi refers to as "probers" (element 294 in Figure 4). The screws 80 in Takagi are described only as fixing probe card 2 on an attachment board 71. (See Takagi, col. 7, lines 23-26.) Thus, screws 80 merely fix the Takagi's probe card 2 to Takagi's attachment board 71, but neither screws 80 nor any other mechanism in Takagi "align[s] tips of the probe elements" as recited in claim 50. Therefore, claim 50 and its dependent claims patentably distinguish over Takagi.

In addition, the claims that depend from claim 50 further distinguish over Takagi. For example, new dependent claim 73 describes the probe substrate as being "*floatingly* mounted to said probe card" (emphasis added). By way of example and not limitation, the specification provides an example in which a space transformer 506 (an exemplary probe substrate) is mounted to an exemplary probe card 502 with screws 542 and a mounting ring 540 such that the space transformer can move within a space between the mounting ring 540 and the probe card 502. The space transformer 506 is thus "*floatingly*" mounted to the probe card. In contrast, the Takagi screws 80 rigidly fix the probe card 2 to the attachment board 71. The Takagi screws 80 do not allow floating movement between the probe card 2 and the attachment board 71. Therefore, dependent claim 73 further distinguishes over Takagi.

Floating movement between the probe card and the probe substrate provides advantages. For example, floating movement allows for fine adjustments of the planarity of the tips of the probes on the probe substrate with respect to the probe card. Therefore, that the probe substrate is *floatingly* mounted to the probe card is no mere obvious variation of the cited references but a patentable difference.

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. If the Examiner believes that a discussion with Applicants' attorney would be helpful, the Examiner is invited to contact the undersigned at (925) 456-3915.

In papers filed with this Amendment, Applicants have requested a one month extension of time and provided for payment of all fees due with this Amendment. Although Applicants believe that no additional extension of time or fee is needed, Applicants petition the Director for any extension of time deemed necessary for acceptance of this paper, and Applicants authorize the Director to charge any fee deemed necessary for acceptance of this paper to Deposit Account No. 50-0285 (order no. P6C3-US).

Respectfully submitted,

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